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Filing date: **03/27/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92060901
Party	Plaintiff Cupid Charities, Inc.
Correspondence Address	ALEXANDER JA GARCIA PERKINS COIE LLP 1900 SIXTEENTH ST, STE 1400 DENVER, CO 80202-5255 UNITED STATES ajagarcia@perkinscoie.com, pctrademarks@perkinscoie.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Alexander J.A. Garcia
Filer's e-mail	ajagarcia@perkinscoie.com, pctrademarks@perkinscoie.com
Signature	/Alexander Garcia/
Date	03/27/2015
Attachments	92060901.pdf(1564424 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CUPID CHARITIES, INC.,

Petitioner,

v.

THE DEW, LLC,

Registrant.

Cancellation No.: 92060901

FIRST AMENDED PETITION FOR  
CANCELLATION

Mark: UNDIE RUN  
Registration No.: 4615907

Cupid Charities, Inc. ("Petitioner") hereby amends the Petition for Cancellation filed in the instant case, in the form attached as **Exhibit 1** hereto.

**PROCEDURAL HISTORY AND AMENDED PETITION**

On February 18, 2015, Petitioner filed a Petition for Cancellation, commencing this proceeding. On February 19, 2015, the Board issued a scheduling order, setting the deadline for Registrant to file its Answer in this proceeding as March 31, 2015 and subsequently April 28, 2015.

In an *inter partes* proceeding before the Board, "because the time to answer set by the Board's institution order is 40 days, a plaintiff may amend its complaint once as a matter of course beyond the initial 21 days from serving [the complaint] until the defendant files an answer or a Rule 12(b), (e) or (f) motion." FED. R. CIV. P. 15(a); TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE ("T.B.M.P.") § 507.02. An amendment filed as a matter of course also does not require a motion for leave to amend. *Id.*

Petitioner is filing the First Amended Petition for Cancellation prior Defendant's answer or other responsive pleading.

As recommended by the Board, Petitioner submits a clean copy of the First Amended Petition for Cancellation (**Exhibit 1**) and a red-lined copy showing the changes for the First Amended Petition for Cancellation (**Exhibit 2**). *See* T.B.M.P. § 507.01.

WHEREFORE, Petitioner submits the First Amended Petition for Cancellation, attached as **Exhibit 1** hereto.

DATED: March 27, 2015

**PERKINS COIE LLP**

By: 

Amanda Tessar  
Alexander J.A. Garcia  
Elizabeth M. Banzhoff

1900 Sixteenth Street, Suite 1400  
Denver, Colorado 80202-5255  
Telephone: 303.291.2300  
Facsimile: 303.291.2400

**ATTORNEYS FOR CUPID CHARITIES, INC.**

**CERTIFICATE OF SERVICE**


I hereby certify that a true and complete copy of the foregoing **FIRST AMENDED PETITION FOR CANCELLATION** has been served on The DEW, LLC DBA Undie Run and courtesy copies to The DEW, LLC DBA Undie Run's counsel by mailing said copy on March 27, 2015, via First Class Mail, postage prepaid to:

The DEW, LLC  
3101A Breeze Ter.  
Austin, TX 78722-1909

Stoel Rives LLP  
Attn: Trademark Department  
201 South Main Street, Suite 1100  
Salt Lake City, Utah 84111

Joshua Fine, Esq.  
The Law Offices of Joshua M. Fine  
8899 Beverley Blvd., Suite 401  
Los Angeles, California 90048

By:

  
Catherine R. Sorensen

# Exhibit 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CUPID CHARITIES, INC.,

Petitioner,

v.

THE DEW, LLC,

Registrant.

In the matter of Registration No. 4615907

Mark: Undie Run

Registered: October 7, 2014

Cancellation No. 92060901

**FIRST AMENDED PETITION FOR CANCELLATION**

Petitioner, Cupid Charities, Inc. (“Petitioner”), a non-profit corporation organized under the laws of the District of Columbia with a business address in Denver, Colorado believes that it will be damaged by the continued registration of the mark “Undie Run” (“Alleged Mark”) shown in U.S. Registration No. 4,615,907 (“Registration”). The registrant of record for the Registration is The DEW, LLC DBA Undie Run (“Registrant”), a Texas limited liability company with a business address in Austin, Texas.

As grounds for its Petition for Cancellation, Petitioner alleges that, upon actual knowledge with respect to itself and its own actions and upon information and belief as to other matters:

**I. INTRODUCTION**

1. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.
2. Petitioner is a non-profit organization that uses the phrase “CUPID’S UNDIE RUN” in association with a charitable undie run.
3. The “undie” element of the phrase “undie run” is an abbreviation for the term underwear.

4. The “run” element of the phrase “undie run” refers to the physical activity of running.

5. The phrase “undie run” refers to an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

6. Charitable organizations and others commonly use the phrase undie run to describe an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

7. As a non-profit organization, Petitioner uses the phrase “CUPID’S UNDIE RUN” in association with its charitable undie run events to raise money and awareness for the Children’s Tumor Foundation, the world’s largest non-government organization dedicated to ending a genetic disorder called neurofibromatosis.

8. Petitioner’s CUPID’S UNDIE RUN is typically held on or around Valentine’s Day weekend, when participants run approximately one mile in their underwear.

9. Petitioner’s first use of CUPID’S UNDIE RUN in connection with its first undie run was at least as early as 2010 in Washington, D.C.

10. Since its first undie run in 2010, Petitioner has continuously used CUPID’S UNDIE RUN to refer to its annual undie runs. Today, the annual CUPID’S UNDIE RUN takes place in more than thirty U.S. and international cities.

11. To date, Petitioner’s undie runs have raised more than \$7,500,000 to support the Children’s Tumor Foundation.

12. Since 2010, more than 40,000 participants have registered for Petitioner’s undie runs.

13. Due to the historic and widespread use of the phrase undie run, the relevant public has come to recognize the phrase undie run as a common term for an event where

participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

14. Petitioner and others have an interest in retaining the opportunity to use the phrase undie run to refer to an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

## II. THE REGISTRATION

15. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.

16. Registrant filed U.S. Application Serial No. 85/908,410 (“Application”), which matured into the Registration, on April 18, 2013.

17. The services identified in the Registration include Class 35: “Arranging and conducting special events for business purposes; Arranging and conducting special events for commercial, promotional or advertising purposes; Corporate event management services; Event planning and management for marketing, branding, promoting or advertising the goods and services of others; Special event planning for business purposes; Special event planning for commercial, promotional or advertising purposes” (“Registrant’s Services”).

18. Upon information and belief, Registrant is a for-profit organization that earns money for organizing undie runs on college campuses.

19. More information about Registrant’s Services and its use of the Alleged Mark can be found at Registrant’s website <http://undierun.com/about-us/>, where Registrant explains that the “[i]dea is simple: college kids need to let off steam leading up to finals and the end of the school year. The best way to do that is to run around in your underwear with the people who understand you the most, other half-naked people.” Attached as **Exhibit A** is a screenshot of Registrant’s “About Us” website.



20. On or about October 18, 2013, Registrant amended the Application and entered a claim of acquired distinctiveness, Based on Use, under Trademark Act § 2(f), 15 U.S.C. § 1052(f).

21. On or about October 18, 2013, Registrant amended the Application and entered a claim of acquired distinctiveness, Based on Evidence, under Trademark Act § 2(f), 15 U.S.C. § 1052(f).

22. On or about May 19, 2014, Registrant submitted additional evidence in support of its claim of acquired Distinctiveness, Based on Evidence, Under Trademark Act § 2(f), 15 U.S.C. § 1052(f).

23. Among the materials submitted by Registrant in support of its claim of acquired distinctiveness are news reports from CBS News and Fox News regarding undie runs that occurred in 2010 and 2011 at Arizona State University (“ASU”).

24. Registrant submitted this evidence in support of what it called “widespread media coverage” to “show that consumers associate” the Alleged Mark with Registrant’s Services.

25. Upon information and belief, the undie runs that occurred at ASU, including in 2010 and 2011, were part of a series of undie runs organized by an ASU student group that first began in 2008.

26. Upon information and belief, the ASU student group used the term undie run independently of Registrant and such use of the term undie run was not subject to a license or other control or ownership by Registrant.

27. The Application subsequently matured into the Registration on October 7, 2014.

### **III. REGISTRANT'S DEMANDS TO PETITIONER**

28. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.

29. Registrant first notified Cupid Charities of its Registration on or about January 28, 2015 and thereafter repeatedly demanded that Cupid Charities cease and desist any use of CUPID'S UNDIE RUN.

30. Given Petitioner's long history of organizing its charitable undie runs, Petitioner was surprised by the demands made by Registrant and the assertion that Registrant controls the exclusive right to use the phrase undie run in connection with an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

31. Petitioner and others have a right to continue to use the phrase undie run to refer to an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

### **IV. THE ALLEGED MARK IS MERELY DESCRIPTIVE**

32. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.

33. Upon information and belief, Registrant's Services include those services relating to the organization of undie runs, where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

34. As used in connection with Registrant's Services, the phrase undie run immediately describes a feature of Registrant's Services or otherwise conveys to the relevant consuming public the nature, qualities, or characteristics of Registrant's Services.

35. Registrant's Alleged Mark, as used with Registrant's Services, is not inherently distinctive.

36. Registrant's Alleged Mark, as used with Registrant's Services, is merely descriptive.

37. Registrant's Alleged Mark, as used with Registrant's Services, has not acquired distinctiveness pursuant to Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f).

38. Continued registration of the Alleged Mark in connection with Registrant's Services is a source of injury to Petitioner and others who currently use, and are entitled to continue to use, the phrase undie run in connection with an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

39. As the Alleged Mark is descriptive of Registrant's Services, lacks distinctiveness, and as Registrant has not acquired distinctiveness in the Alleged Mark in connection with Registrant's Services, Registrant is not entitled to maintain the Registration on the Principal Register pursuant to Section 2(e) of the Trademark Act, 15 U.S.C. § 1052(e).

#### **V. THE ALLEGED MARK SHOULD BE CANCELLED FOR FRAUD**

40. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.

41. In support of a Response to Office Action filed on or about May 19, 2014, Registrant submitted news reports from CBS News and Fox News regarding undie runs that occurred in 2010 and 2011 at ASU as evidence of "the widespread media coverage of [Registrant's] events."

42. The news reports from CBS News and Fox News were submitted by Registrant to show consumer association with the Alleged Mark and Defendant's Services.

43. Upon information and belief, the undie runs that occurred at ASU, including in 2010 and 2011, were part of a series of undie runs organized by an ASU student group that first began in 2008.

44. Upon information and belief, the ASU student group used the term undie run independently of Registrant and such use of the term undie run was not subject to a license or other control or ownership by Registrant.

45. Upon information and belief, Registrant submitted this false evidence as to the undie runs that occurred at ASU with the intent to procure a registration to which Registrant was not entitled and Registrant was successful in procuring favorable examination of the Application.

46. Upon information and belief, Registrant's false evidence was submitted knowingly and Registrant knowingly submitted this false evidence with the intent to procure a registration to which Registrant was not entitled and Registrant was successful in procuring favorable examination.

47. Upon information and belief, Registrant's false evidence was material to procuring favorable examination of the Application.

48. Accordingly, Registrant is not entitled to maintain the Registration and the Registration should be cancelled pursuant to § 14 of the Lanham Act, 15 U.S.C. § 1064.

**WHEREFORE**, Petitioner believes it will be damaged by the continued registration of the Alleged Mark shown in the Registration and respectfully requests this Petition for Cancellation be sustained, and that the Registration be cancelled.

The filing fee in the amount of \$300 was submitted with Petitioner's original Petition for Cancellation.

DATED: March 27, 2015

**PERKINS COIE LLP**

By: 

Amanda Tessar  
Alexander J.A. Garcia  
Elizabeth M. Banzhoff

1900 Sixteenth Street, Suite 1400  
Denver, Colorado 80202-5255  
Telephone: 303.291.2300  
Facsimile: 303.291.2400

**ATTORNEYS FOR CUPID CHARITIES, INC.**

**CERTIFICATE OF SERVICE**


I hereby certify that a true and complete copy of the foregoing **FIRST AMENDED PETITION FOR CANCELLATION** has been served on The DEW, LLC DBA Undie Run and courtesy copies to The DEW, LLC DBA Undie Run's counsel by mailing said copy on March 27, 2015, via First Class Mail, postage prepaid to:

The DEW, LLC  
3101A Breeze Ter.  
Austin, TX 78722-1909

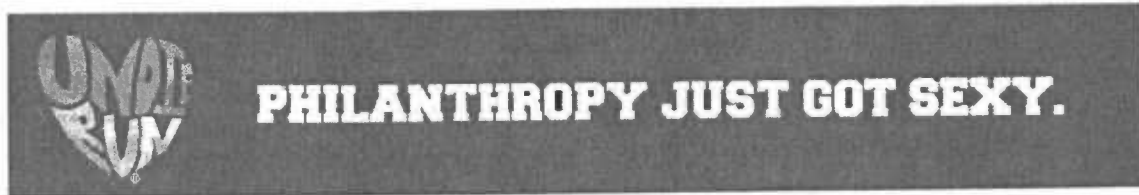
Stoel Rives LLP  
Attn: Trademark Department  
201 South Main Street, Suite 1100  
Salt Lake City, Utah 84111

Joshua Fine, Esq.  
The Law Offices of Joshua M. Fine  
8899 Beverley Blvd., Suite 401  
Los Angeles, California 90048

By:

  
Catherine R. Sorensen

## **Exhibit A**



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## UNDIE RUN® is no ordinary charitable event.

It has been coined, "an unforgettable philanthropic experience." Other unique catchphrases help to describe the growing cultural phenomenon: "Philanthropy just got a whole lot sexier," "Half-naked humanitarians," "For coeds who hate clothes and love charity." What is it?

UNDIE RUN® challenges college students across the nation to get involved in charity by taking their clothes off, donating them to charity, and running wild together through and around campus after a festival-like event. The idea is simple: college kids need to let off steam leading up to finals and the end of the school year. The best way to do that is to run around in your underwear with the people who understand you the most, other half-naked people. As you can imagine, UNDIE RUN® has become the ribbon for college charity, the most effective means by which awareness and funds are raised for charitable causes among college students.

### PARTNERS



### TESTIMONIALS

*"Sex Panther cologne. It makes me wanna take my clothes off!"*



**STUDENT**  
UC SANTA BARBARA

### RECENT POSTS

CON BRO'S CHILL UNDIE RUN  
WORKOUT VIDEO

REASONS WHY YOU SHOULD  
UNDIE RUN BY USA TODAY  
COLLEGE

UNDIE RUN CHILE DONATES  
\$1,000 TO FIRE VICTIMS IN  
VALPARAISO

UCSB WINTER UNDIE RUN  
DONATES 2,000 POUNDS OF  
CLOTHING TO CHARITY

VOTE FOR UNDIE RUN IN THE 4TH  
ANNUAL CLASSY AWARDS!

### CATEGORIES

[EVENTS](#)

[NEWS](#)



PICTURES  
UNDIE GIRL  
UNDIE GUY  
VIDEOS

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# Exhibit 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CUPID CHARITIES, INC.,

Petitioner,

v.

THE DEW, LLC,

Registrant.

In the matter of Registration No. 4615907

Mark: Undie Run

Registered: October 7, 2014

Cancellation No. 92060901

**FIRST AMENDED PETITION FOR CANCELLATION**

Petitioner, Cupid Charities, Inc. ("Petitioner"), a non-profit corporation organized under the laws of the District of Columbia with a business address in Denver, Colorado believes that it will be damaged by the continued registration of the mark "Undie Run" ("Alleged Mark") shown in U.S. Registration No. 4,615,907 ("Registration"). The registrant of record for the Registration is The DEW, LLC DBA Undie Run ("Registrant"), a Texas limited liability company with a business address in Austin, Texas.

As grounds for its Petition for Cancellation, Petitioner alleges that, upon actual knowledge with respect to itself and its own actions and upon information and belief as to other matters:

**I. INTRODUCTION**

1. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.
2. Petitioner is a non-profit organization that uses the phrase "CUPID'S UNDIE RUN" in association with a charitable undie run.
3. The "undie" element of the phrase "undie run" is an abbreviation for the term underwear.

4. The “run” element of the phrase “undie run” refers to the physical activity of running.
5. The phrase “undie run” refers to an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.
6. Charitable organizations and others commonly use the phrase undie run to describe an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.
7. As a non-profit organization, Petitioner uses the phrase “CUPID’S UNDIE RUN” in association with its charitable undie run events to raise money and awareness for the Children’s Tumor Foundation, the world’s largest non-government organization dedicated to ending a genetic disorder called neurofibromatosis.
8. Petitioner’s CUPID’S UNDIE RUN is typically held on or around Valentine’s Day weekend, when participants run approximately one mile in their underwear.
9. Petitioner’s first use of CUPID’S UNDIE RUN in connection with its first undie run was at least as early as 2010 in Washington, D.C.
10. Since its first undie run in 2010, Petitioner has continuously used CUPID’S UNDIE RUN to refer to its annual undie runs. Today, the annual CUPID’S UNDIE RUN takes place in more than thirty U.S. and international cities.
11. To date, Petitioner’s undie runs have raised more than \$7,500,000 to support the Children’s Tumor Foundation.
12. Since 2010, more than 40,000 participants have registered for Petitioner’s undie runs.
13. Due to the historic and widespread use of the phrase undie run, the relevant public has come to recognize the phrase undie run as a common term for an event where

participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

14. Petitioner and others have an interest in retaining the opportunity to use the phrase undie run to refer to an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

## II. THE REGISTRATION

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18. ~~On~~ Upon information and belief, Registrant is a for-profit organization that earns money for organizing undie runs on college campuses.

19. More information about Registrant’s Services and its use of the Alleged Mark can be found at Registrant’s website <http://undierun.com/about-us/>, where Registrant explains that the “[i]dea is simple: college kids need to let off steam leading up to finals and the end of the school year. The best way to do that is to run around in your underwear with the people who understand you the most, other half-naked people.” Attached as **Exhibit A** is a screenshot of Registrant’s “About Us” website.

20. On or about October 18, 2013, Registrant amended the Application and entered a ~~c~~Claim of ~~a~~Acquired ~~d~~Distinctiveness, Based on Use, under Trademark Act § 2(f), 15 U.S.C. § 1052(f).

21. On or about October 18, 2013, Registrant amended the Application and entered a ~~c~~Claim of ~~a~~Acquired ~~d~~Distinctiveness, Based on Evidence, under Trademark Act § 2(f), 15 U.S.C. § 1052(f).

22. On or about May 19, 2014, Registrant submitted additional evidence in support of its claim of acquired Distinctiveness, Based on Evidence, Under Trademark Act § 2(f), 15 U.S.C. § 1052(f).

23. Among the materials submitted by Registrant in support of its claim of acquired distinctiveness are news reports from CBS News and Fox News regarding undie runs that occurred in 2010 and 2011 at Arizona State University ("ASU").

24. Registrant submitted this evidence in support of what it called "widespread media coverage" to "show that consumers associate" the Alleged Mark with Registrant's Services.

25. Upon information and belief, the undie runs that occurred at ASU, including in 2010 and 2011, were part of a series of undie runs organized by an ASU student group that first began in 2008.

21.26. Upon information and belief, the ASU student group used the term undie run independently of Registrant and such use of the term undie run was not subject to a license or other control or ownership by Registrant.

22.27. The Application subsequently matured into the Registration on October 7, 2014.

### **III. REGISTRANT'S DEMANDS TO PETITIONER**

23:28. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.

24:29. Registrant first notified Cupid Charities of its Registration on or about January 28, 2015 and thereafter repeatedly demanded that Cupid Charities cease and desist any use of CUPID'S UNDIE RUN.

25:30. Given Petitioner's long history of organizing its charitable undie runs, Petitioner was surprised by the demands made by Registrant and the assertion that Registrant controls the exclusive right to use the phrase undie run in connection with an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

26:31. Petitioner and others have a right to continue to use the phrase undie run to refer to an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

### **IV. THE ALLEGED MARK IS MERELY DESCRIPTIVE**

27:32. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.

28:33. Upon information and belief, Registrant's Services include those services relating to the organization of undie runs, where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

29:34. As used in connection with Registrant's Services, the phrase undie run immediately describes a feature of Registrant's Services or otherwise conveys to the relevant consuming public the nature, qualities, or characteristics of Registrant's Services.

~~30.~~35. Registrant's Alleged Mark, as used with Registrant's Services, is not inherently distinctive.

~~31.~~36. Registrant's Alleged Mark, as used with Registrant's Services, is merely descriptive.

~~32.~~37. Registrant's Alleged Mark, as used with Registrant's Services, has not acquired distinctiveness pursuant to Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f).

~~33.~~38. Continued registration of the Alleged Mark in connection with Registrant's Services is a source of injury to Petitioner and others who currently use, and are entitled to continue to use, the phrase undie run in connection with an event where participants disrobe until they are wearing only underwear and then participate in the physical activity of running.

~~34.~~39. As the Alleged Mark is descriptive of Registrant's Services, lacks distinctiveness, and as Registrant has not acquired distinctiveness in the Alleged Mark in connection with Registrant's Services, Registrant is not entitled to maintain the Registration on the Principal Register pursuant to Section 2(e) of the Trademark Act, 15 U.S.C. § 1052(e).

## **V. THE ALLEGED MARK SHOULD BE CANCELLED FOR FRAUD**

40. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.

41. In support of a Response to Office Action filed on or about May 19, 2014, Registrant submitted news reports from CBS News and Fox News regarding undie runs that occurred in 2010 and 2011 at ASU as evidence of "the widespread media coverage of [Registrant's] events."

42. The news reports from CBS News and Fox News were submitted by Registrant to show consumer association with the Alleged Mark and Defendant's Services.



43. Upon information and belief, the undie runs that occurred at ASU, including in 2010 and 2011, were part of a series of undie runs organized by an ASU student group that first began in 2008.

44. Upon information and belief, the ASU student group used the term undie run independently of Registrant and such use of the term undie run was not subject to a license or other control or ownership by Registrant.

45. Upon information and belief, Registrant submitted this false evidence as to the undie runs that occurred at ASU with the intent to procure a registration to which Registrant was not entitled and Registrant was successful in procuring favorable examination of the Application.

46. Upon information and belief, Registrant's false evidence was submitted knowingly and Registrant knowingly submitted this false evidence with the intent to procure a registration to which Registrant was not entitled and Registrant was successful in procuring favorable examination.

47. Upon information and belief, Registrant's false evidence was material to procuring favorable examination of the Application.

48. Accordingly, Registrant is not entitled to maintain the Registration and the Registration should be cancelled pursuant to § 14 of the Lanham Act, 15 U.S.C. § 1064.

**WHEREFORE,** Petitioner believes it will be damaged by the continued registration of the Alleged Mark shown in the Registration and respectfully requests this Petition for Cancellation be sustained, and that the Registration be cancelled.

The filing fee in the amount of \$300 was submitted with Petitioner's original Petition for Cancellation~~The filing fee in the amount of \$300 is being transmitted electronically with this submission.~~

DATED: ~~February 18~~ March 27, 2015

**PERKINS COIE LLP**

By:

Amanda Tessar  
Alexander J.A. Garcia  
Elizabeth M. Banzhoff

1900 Sixteenth Street, Suite 1400  
Denver, Colorado 80202-5255  
Telephone: 303.291.2300  
Facsimile: 303.291.2400

**ATTORNEYS FOR CUPID CHARITIES, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **FIRST AMENDED PETITION FOR CANCELLATION** has been served on The DEW, LLC DBA Undie Run and courtesy copies to The DEW, LLC DBA Undie Run's counsel by mailing said copy on ~~February~~ March 27, 2015, via First Class Mail, postage prepaid to:

The DEW, LLC  
3101A Breeze Ter.  
Austin, TX 78722-1909  
~~The DEW, LLC dba Undie Run~~  
~~2012A East 22nd Street~~  
~~Austin, Texas 78722~~

Stoel Rives LLP  
Attn: Trademark Department  
201 South Main Street, Suite 1100  
Salt Lake City, Utah 84111

Joshua Fine, Esq.  
The Law Offices of Joshua M. Fine  
8899 Beverley Blvd., Suite 401  
Los Angeles, California 90048

By: \_\_\_\_\_

## Exhibit A



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[MEDIA](#)



## UNDIE RUN® is no ordinary charitable event.

It has been coined, "an unforgettable philanthropic experience." Other unique catchphrases help to describe the growing cultural phenomenon: "Philanthropy just got a whole lot sexier," "Half-naked humanitarians," "For co-eds who hate clothes and love charity." What is it?

UNDIE RUN® challenges college students across the nation to get involved in charity by taking their clothes off, donating them to charity, and running wild together through and around campus after a festival-like event. The idea is simple: college kids need to let off steam leading up to finals and the end of the school year. The best way to do that is to run around in your underwear with the people who understand you the most, other half-naked people. As you can imagine, UNDIE RUN® has become the ribbon for college charity, the most effective means by which awareness and funds are raised for charitable causes among college students.

### PARTNERS



### TESTIMONIALS

*"Sex Panther cologne. It makes me wanna take my clothes off!"*



STUDENT  
UC SANTA BARBARA

### RECENT POSTS

CON BRO'S CHILL UNDIE RUN  
WORKOUT VIDEO

REASONS WHY YOU SHOULD  
UNDIE RUN BY USA TODAY  
COLLEGE

UNDIE RUN CHILE DONATES  
\$1,000 TO FIRE VICTIMS IN  
VALPARAISO

UCSB WINTER UNDIE RUN  
DONATES 2,000 POUNDS OF  
CLOTHING TO CHARITY

VOTE FOR UNDIE RUN IN THE 4TH  
ANNUAL CLASSY AWARDS!

### CATEGORIES

EVENTS

NEWS

PICTURES  
UNDIE GIRL  
UNDIE GUY  
VIDEOS

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